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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,191	10/15/2003	Gregory B. Hale	58085-010201	7574
46560 7590 06/18/2007 THE WALT DISNEY COMPANY C/O GREENBERG TRAURIG LLP 2450 COLORADO AVENUE SUITE 400E SANTA MONICA, CA 90404			EXAMINER HARTMAN JR, RONALD D	
			ART UNIT 2121	PAPER NUMBER
			MAIL DATE 06/18/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/687,191

Applicant(s)

HALE ET AL.

Examiner

Ronald D. Hartman Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19-23 and 28-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-23 and 28-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/29/2007 has been entered.

### ***Priority***

2. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. However, the Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date

The later-filed application must be an application for a patent for an invention that is also disclosed in the prior application (the parent or original non-provisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed application, Application No. 09/617,721, which is now U.S. Patent No. 6,889,098 and 09/372,405, which is now U.S. Patent No. 6,173,209, both fail to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application.

The aforementioned applications fail to provide adequate support for the utilization of a cellular telephone for making reservations. It is also noted that upon an extensive textual search of both of the previously filed applications, "cellular" is never used whatsoever, in addition "wireless" or "wirelessly" is never used, and "telephone" is never mentioned as well. That is, there is no explicit or implicit support for wirelessly, or through utilization of a cellular telephone, reserving times for an attraction. The only

mention of telephone is to allow patrons to call one another, not to make the actual reservation for the attraction.

Furthermore, the only mention of a wireless feature is the utilization of RF (radio frequency) signals that may be used to validate the patron when they are trying to access the attraction at their reserved time. Nowhere do the aforementioned previously filed applications disclose utilizing a wireless device, or a cellular telephone, for making the actual reservations and therefore these features appear to represent new matter, with respect to the previously filed applications, and are believed to have been first presented with respect to the pending application.

That being said, any claims having these features will not be afforded the earlier filing date of the earlier filed applications as they do not provide proper support for these features, and therefore these claims will be afforded the filing date of the instant application, as this represents the first time these features were disclosed, this filing date being 10/15/2003. This filing date is applicable to claims 20-23 and 29-38.

Therefore, the only claims that are believed to be afforded priority to the previously filed applications appear to be independent claims 19 and 28.

### ***Claim Objections***

3. Claim 28, lines 13 and 14, "the customer" lacks proper antecedent basis since there are two customers referred to in this claim, at this point in the claim. That is, "a customer" is presented in line 6 and "another customer" is presented in line 10. For examination purposes, "the customer" of lines 13 and 14 is interpreted to correspond to the "another customer" of line 10.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 19 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Waytena et al., U.S. Patent No. 5,978,770.

As per claims 19 and 28, Waytena et al. teaches a method of managing access to an attraction in an entertainment environment, comprising:

- establishing a first queue by which one or more patrons may access the attraction in a first in first out order (e.g. ""physical queue"; C3 L56-57 and Figure 2 element "physical queue");
- establishing a second queue by which one or more patrons may access said attraction in a manner which avoids the first queue (e.g. "virtual queue"; C3 L50, C3 L57-60 and Figure 2 element 210 and/or "second entry", C21 L42-45);
- receiving from a patron a priority request for an allocation of a time of entry into the attraction via the second queue, the priority request being received at a computer that determines a number of patrons allowed to enter the attraction (e.g. C3 L11-12);
- transmitting to the patron a response that includes available return times to the attraction, the available return times being derived from an available time to enter the attraction via the second queue determined by the computer (e.g. C3 L15-20);
- receiving a selection of a return time from the available return times, the selection being made by the patron in response to the transmitted available return times to the attraction (e.g. C3 L20-27); and
- permitting the patron to access the attraction via the second queue at a time indicated by the return time (e.g. C21 L42-55).

Furthermore, as per claim 28, Waytena et al. also teaches the distribution of media since Waytena et al. teaches patrons, possessing the portable PCD's, have reservation times rendered on the display screen of the PCD itself (e.g. Figures 5A-5E).

6. Claims 20, 22, 29-30 and 38 rejected under 35 U.S.C. 102(b) as being anticipated by Waytena et al., U.S. Patent No. 5,978,770.

As per claim 20, Waytena et al. teaches the patron entering a priority request on a wireless device (e.g. "PCD"; Figure 1 element 102).

As per claim 22, Waytena et al. further teaches the patron being provided access to the attraction based on a keying operation performed on a wireless device (e.g. "button clicking"; C14 L36-51).

As per claim 29, Waytena et al. further teaches distributing the media to a device in the customer's possession (e.g. transmitting potential and confirmed reservation times to the PCD; Figures 5A - 5E).

As per claim 30, the rejection of claim 22 is equally applied herein.

As per claim 38, Waytena et al further teaches displaying a return time for validation on a screen of a wireless device (e.g. Figures 5A - 5E).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 21, 23, 33-34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waytena et al., as applied to claims 19 and 28, above, in view of Croughwell et al., U.S. Patent No. 5,966,654.

As per claims 21,23, 33-34 and 37, Waytena et al. does not specifically teach the PCD's being cellular telephones.

Croughwell et al. teaches a cellular telephone being utilized to schedule reservations for attractions located at a theme park (e.g. title, Figure 16 and claims 1-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Croughwell et al. into the system disclosed by Waytena et al. for the purpose of allowing a simple, reliable wireless means by which the reservations may be made while the patron is remotely located to the attraction utilizing the cellular telephone network described by Waytena et al.

9. Claims 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waytena et al., as applied to claim 29 above, in view of DeLorme et al., U.S. Patent No. 5,948,040.

As per claims 31-32, Waytena et al. does not specifically teach a validation identifier displayed on a screen or that displayed identifier being a bar code. DeLorme et al. teaches a reservation system in which digitally displayed bar codes may be used in conjunction with portable electronic device for displaying built in tickets and/or reservations confirmations (e.g. C11 L50 - C12 L16) which can be used for traveling or visiting points of interest with respect to theme parks or a myriad of other attractions (e.g. C21 L35-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of DeLorme et al. into the system disclosed by Waytena et al. for the purpose of allowing a portable way in which a verification or validation receipt could be viewed and utilized, that is, by providing a bar code in electronic format, the patron could present an electronic ticket that could be

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easily read by a validation computer by way of a bar code reader. In addition, this type of system would require no paper since the tickets would be generated and redeemed electronically.

10. Claims 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waytena et al. in view of Croughwell et al., as applied to claim 33 above, in view of DeLorme et al., U.S Patent No. 5,948,040.

As per claims 35-36, Waytena et al.'s combined system does not specifically teach a validation identifier displayed on a screen or that displayed identifier being a bar code.

DeLorme et al. teaches a reservation system in which digitally displayed bar codes may be used in conjunction with portable electronic device for displaying built in tickets and/or reservations confirmations (e.g. C11 L50 - C12 L16) which can be used for traveling or visiting points of interest with respect to theme parks or a myriad of other attractions (e.g. C21 L35-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of DeLorme et al. into the system disclosed by Waytena et al. for the purpose of allowing a portable way in which a verification or validation receipt could be viewed and utilized, that is, by providing a bar code in electronic format, the patron could present an electronic ticket that could be easily read by a validation computer by way of a bar code reader. In addition, this type of system would require no paper since the tickets would be generated and redeemed electronically.

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D. Hartman Jr. whose telephone number is (571) 272-3684. The examiner can normally be reached on Mon.-Fri., 11:00 - 8:30 pm, EST.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronald D Hartman Jr.

Patent Examiner

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June 5, 2007

RDH

RDH